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OFFICE OF PETITIONS

In re Application of :
Armstrong et al. :
Application No. 10/692,096 : DECISION ON PETITION
Filed: 22 October, 2003 :
Atty Docket No. ITP 24.1A :

This is a decision on the renewed petition filed on 18 February, 2005, under 37 CFR 1.137(b)¹, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 29 March, 2004, for failure to timely file replacement drawings as required by the Notice to File Missing Parts of Nonprovisional Application mailed on 28

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

January, 2004, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. The present petition precedes the mailing of Notice of Abandonment. The petition filed on 14 October, 2004, was dismissed on 18 January, 2005.

Receipt of four (4) sheets of drawings is acknowledged.

This application is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

A handwritten signature in black ink, appearing to read "D. Wood", is positioned above the printed name.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions